



# House of Representatives

General Assembly

**File No. 700**

January Session, 2017

Substitute House Bill No. 7215

*House of Representatives, April 25, 2017*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

**AN ACT CONCERNING COURTHOUSE SECURITY, AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE AND ASSAULT OF AN OFF-DUTY POLICE OFFICER OR DEPARTMENT OF CORRECTION EMPLOYEE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (*Effective from passage*) The Chief Court Administrator  
2       shall cause an internal review to be made of the security procedures  
3       employed at courthouses in this state. Not later than January 1, 2018,  
4       said administrator shall make any recommendations resulting from  
5       such review for legislation to enhance such security to the joint  
6       standing committee of the General Assembly having cognizance of  
7       matters relating to the judiciary in accordance with the provisions of  
8       section 11-4a of the general statutes.

9       Sec. 2. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of  
10       aggravated assault of a public transit employee when such person  
11       commits assault of a public transit employee as provided in section  
12       53a-167c of the general statutes and in the commission of such offense

13 such person uses, or is armed with and threatens the use of or displays  
14 or represents by such person's words or conduct that such person  
15 possesses a knife or box-cutter, or a pistol, revolver, shotgun, rifle,  
16 machine gun or other firearm.

17 (b) Aggravated assault of a public transit employee is a class B  
18 felony.

19 Sec. 3. (NEW) (*Effective October 1, 2017*) (a) For the purposes of this  
20 section, "public safety employee" means a police officer, as defined in  
21 section 7-294a of the general statutes, or an employee of the  
22 Department of Correction.

23 (b) A person is guilty of assault of an off-duty public safety  
24 employee when, knowing that another person is a public safety  
25 employee, and with intent to intimidate or harass, or to retaliate  
26 against, such other person on account of such other person being a  
27 public safety employee, causes physical injury to such other person,  
28 provided, at the time of the offense, such other person was not acting  
29 in the performance of his or her duties as a public safety employee and  
30 was not the initial aggressor.

31 (c) Assault of an off-duty public safety employee is a class C felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2017</i>	New section
Sec. 3	<i>October 1, 2017</i>	New section

**JUD**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 18 \$</b>	<b>FY 19 \$</b>
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

The bill creates a new offense of aggravated assault on specified groups of victims. To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

**OLR Bill Analysis****sHB 7215*****AN ACT CONCERNING COURTHOUSE SECURITY, AGGRAVATED ASSAULT OF A PUBLIC TRANSIT EMPLOYEE AND ASSAULT OF AN OFF-DUTY POLICE OFFICER OR DEPARTMENT OF CORRECTION EMPLOYEE.*****SUMMARY**

By law, it is a class C felony, punishable by up to 10 years in prison, up to a \$10,000 fine, or both, to assault a public transit or public safety employee (see BACKGROUND).

This bill creates a specific (1) class B felony offense for aggravated assault of a public transit employee and (2) class C felony offense for assault of an off-duty public safety employee (e.g., police officer or Department of Correction (DOC) employee).

A class B felony is punishable by up to 20 years in prison, up to a \$15,000 fine, or both.

Additionally, the bill requires the chief court administrator to cause an internal review of the security procedures state courthouses use and, by January 1, 2018, make any associated legislative recommendations to enhance security at these courthouses to the Judiciary Committee.

EFFECTIVE DATE: October 1, 2017, except the provision pertaining to the chief court administrator is effective upon passage.

**NEW FELONY OFFENSES*****Aggravated Assault of a Public Transit Employee***

Under the bill, a person commits aggravated assault of a public transit employee when he or she assaults a public transit employee and in doing so uses, is armed with and threatens to use, or displays or

represents by words or conduct, that he or she has a knife, box-cutter, or firearm.

### ***Assault of an Off-Duty Public Safety Employee***

Under the bill, a person commits assault of an off-duty public safety employee when, knowing that someone is a public safety employee, and with the intent to harass, intimidate, or retaliate against him or her, the person physically injures the employee. For a person to be charged with this offense, the employee must not have been (1) the initial aggressor or (2) performing his or her official duties at the time of the assault.

Under the bill, public safety employees include DOC employees; sworn members of an organized local police department; appointed constables who perform criminal law enforcement duties; special police officers appointed under law; and members of a law enforcement unit who perform police duties, including the State Police and tribal police.

## **BACKGROUND**

### ***Assaulting a Public Transit or Public Safety Employee***

By law, it is a class C felony to assault public transit and public safety employees (as well as emergency medical and health care personnel, and liquor control agents, among others). A person commits this crime by assaulting a reasonably identifiable employee performing his or her duties, with intent to prevent the employee from performing the duties, by doing any of the following to the employee:

1. causing injury;
2. throwing objects capable of causing harm;
3. using tear gas, mace, or a similar harmful agent;
4. throwing paint, dye, or any other offensive substance; or
5. throwing bodily fluid, such as feces, blood, or saliva (CGS § 53a-167c.)

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea    29    Nay   12    (04/07/2017)